

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: JANUARY 24, 2008

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-26015 - APPLICANT/OWNER: GATEWAY LAS VEGAS, LLC

**** CONDITIONS ****

STAFF RECOMMENDATION: **APPROVAL**, subject to:

Planning and Development

1. Conformance to all minimum requirements for the Urban Lounge use under Title 19.04.010.
2. Approval of and conformance to the conditions of approval for Special Use Permits (SUP-10782), (SUP-26073) and Site Development Plan Reviews (SDR-10785) and (SDR-26013) shall be required.
3. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. Approval of this Special Use Permit does not constitute approval of a liquor license.
5. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a proposed Urban Lounge at 401 East Charleston Boulevard.

As companion items to this Special Use Permit, the applicant has requested to amend an approved Site Development Plan Review (SDR-10785) for a proposed 41-story mixed use development including 442 condominium units and 3,370 square feet of commercial uses and a Special Use Permit (SUP-26073) for a proposed Gaming Establishment, General Business, Related. The Urban Lounge meets the use requirements under Title 19.04, is harmonious and compatible with nearby land uses, and will not jeopardize the public health and safety. Staff therefore recommends approval of the Special Use Permit.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
03/01/06	City Council approved a Site Development Review (SDR-10785) for a 39-story mixed-use development consisting of 236 condominium units, 75 condominium/hotel units, 3,420 square feet of commercial floor space with waivers of the Las Vegas Downtown Centennial Plan building stepback, streetscape, and build-to-line standards and a Special Use Permit (SUP-10782) for a Mixed-Use Development on 0.41 acres at 401 East Charleston Boulevard.
01/24/08	The Planning Commission will hear a Site Development Plan Review (SDR-26013) request for Major Amendment to an approved Site Development Plan Review (SDR-10785) for a proposed 41-story mixed-use development including 442 condominium units and 3,370 square feet of commercial, a Special Use Permit (SUP-26073) for a proposed Gaming Establishment, General Business Related and a Special Use Permit (SUP-26015) for a proposed Urban Lounge on 0.43 acres at 401 East Charleston.
<i>Related Building Permits/Business Licenses</i>	
01/01/1951	A business license (A07-00720) was issued for an Apartment Building at 401 East Charleston Boulevard. The license remains active.

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<i>Pre-Application Meeting</i>	
12/03/07	A pre-application meeting was held with the applicant. The applicant proposes to amend an approved Site Development Plan Review, which was for a 39-story mixed-use development consisting of 236 condominium units, 75 condominium/hotel units, 3,420 square feet of commercial floor space with Waivers of the Las Vegas Downtown Centennial Plan building stepback, streetscape, and build-to-line standards. The applicant was informed that this would require Major Amendment to the previously approved Site Development Plan Review (SDR-10785), as the applicant proposed a 41-story mixed-use development including 442 condominium units and 3,370 square feet of commercial uses. In addition, the applicant is requesting a Special Use Permit (SUP-26015) for an Urban Lounge and a Special Use Permit (SUP-26703) for a Gaming Establishment, General Business Related. Submittal requirements were then discussed.

<i>Field Check</i>	
01/07/08	A field check was made on site. An apartment currently exists on the site with motel uses and convenience stores in the vicinity.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.43

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Multi-family	C (Commercial)	C-2 (General Commercial)
North	Motel	MXU (Mixed Use)	C-2 (General Commercial)
South	General Retail and Service Station	C (Commercial)	C-2 (General Commercial)
East	Motel	C (Commercial)	C-2 (General Commercial)
West	General Retail and Service Station	C (Commercial)	C-2 (General Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Downtown Centennial Plan	X		Y
Redevelopment Plan Area	X		Y

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<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	N/A
Downtown Overlay District (18b—Las Vegas Arts District)	X		Y
Live/Work Overlay District	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

As stated in Part 19.10, the following parking standards apply.

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Urban Lounge	3,040 SF	N/A	N/A				
Condominium							
• 2 Bedroom	58 Units	1.75/unit	102				
• 1 Bedroom	102 Units	1.25/unit	128				
• Studio	282 Units	1.25/unit	353				
• Guest		1/6 unit	74	9		9	
SubTotal	442 Units		648	9	363	9	
TOTAL			657		372		Y

Per Title 19.06.060, projects located within the Las Vegas Downtown Centennial Plan area are not subject to the automatic application of parking requirements. However, the above table illustrates the requirements of this project in other areas in the City. Parking for Urban Lounges is determined on a case-by-case basis. Parking area onsite is limited; uses at this site will rely heavily on offsite parking and walk-up traffic.

Per Title 19.04.010 and Title 6.40, the following standards apply:

Urban Lounge Requirements	Bar Seats	Lounge Seats (Required: 2 per bar seat)	Ratio Lounge Seats to Bar Seats	Slot Machines (Max. 5 machines)
Urban Lounge	16	32	2	5

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ANALYSIS

An Urban Lounge is defined by Title 19 as an establishment that is licensed for the sale of alcoholic beverages for consumption on the premises where the same are sold, and the sale, to consumers only and not for resale, of alcoholic beverages in original sealed or corked containers, for consumption off the premises where the same are sold. To qualify as an Urban Lounge, the following conditions must be satisfied:

1. The use is limited to the area located within the boundaries of the Las Vegas Arts District, as described in the Downtown Centennial Plan and as amended from time to time.
2. For each seat provided at the bar of the establishment, there must be a minimum of two seats within a lounge area located away from the bar.
3. The use is subject to the provisions of Chapter 6.40 relating to gaming and Chapter 6.50 relating to liquor control.

An approved Special Use Permit is required for this use.

Regarding Number 1 above, the site is proposed to be located within the boundaries of 18b, the Las Vegas Arts District. With regard to Number 2 above, the bar will provide 16 seats and the lounge area will provide 32 seats, in conformance with urban lounge requirements. With regard to Number 3 above, the lounge will contain five bar top slot machines, which is the maximum allowed under Title 6 for this use. There is no distance separation requirement for urban lounges within the Arts District.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed Urban Lounge use is compatible within the subject building and with other uses on surrounding properties.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

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The existing building will be demolished to make way for a proposed building that will accommodate a 41 story building, including 442 Condominium units and a 3,040 square-foot Urban Lounge.

- 3. “Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

Vehicular access to the structure will be from Fourth Street; access to the trash area will be from Charleston Boulevard. The Charleston Boulevard access point will need to be approved by NDOT. The intensity of the development will add a significant amount of traffic to the existing network, but initial calculations indicate there is adequate capacity to address the added impacts.

- 4. “Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The Urban Lounge will be subject to regular inspection for licensing purposes and will not compromise the public health, safety and welfare.

- 5. The use meets all of the applicable conditions per Title 19.04.**

The site is proposed to be located within the boundaries of the Las Vegas Arts District. The bar will provide 16 seats and the lounge area will provide 32 seats, in conformance with urban lounge requirements. The lounge will contain five bar top slot machines, which is the maximum allowed under Title 6 for this use. There is no distance separation requirement for urban lounges within the Arts District.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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SENATE DISTRICT 3

NOTICES MAILED 554

APPROVALS 8

PROTESTS 3